

JUDGE POLWELLUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

DANA ANTHONY MACKEY,

Defendant.

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INFORMATION

07 Cr.

07 CRIM.**JUL 05 2007**
614COUNT ONE

The United States Attorney charges:

1. From at least in or about March 2007 to in or about April 2007, in the Southern District of New York and elsewhere, DANA ANTHONY MACKEY, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that DANA ANTHONY MACKEY, the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, 100 grams and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B).

Overt Acts

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and

elsewhere:

a. On or about April 5, 2007, a co-conspirator not named as a defendant herein drove through the Bronx, New York, to Delaware, in order to deliver approximately 700 grams of heroin to DANA ANTHONY MACKEY, the defendant.

(Title 21, United States Code, Section 846.)

Forfeiture Allegations as to Count One

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, DANA ANTHONY MACKEY, the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of said violation, including but not limited to approximately \$36,800 in United States currency seized on or about April 5, 2007.

Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of DANA ANTHONY MACKEY, the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited

with, a third person;

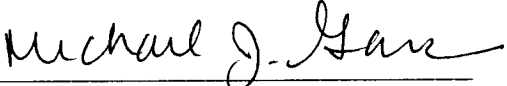
c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of DANA ANTHONY MACKEY, the defendant, up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853.)


MICHAEL J. GARCIA
United States Attorney